

Translation

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PATENT COOPERATION TREATY

PCT/DE2003/002613



PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)...

Applicant's or agent's file reference 2002P13106WO	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/DE2003/002613	International filing date (day/month/year) 04 August 2003 (04.08.2003)	Priority date (day/month/year) 27 August 2002 (27.08.2002)
International Patent Classification (IPC) or national classification and IPC H01Q 1/22		
Applicant SIEMENS AKTIENGESELLSCHAFT		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of <u>5</u> sheets, including this cover sheet. <input checked="" type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT). These annexes consist of a total of <u>2</u> sheets.
3. This report contains indications relating to the following items: I <input checked="" type="checkbox"/> Basis of the report II <input type="checkbox"/> Priority III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability IV <input type="checkbox"/> Lack of unity of invention V <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement VI <input type="checkbox"/> Certain documents cited VII <input type="checkbox"/> Certain defects in the international application VIII <input type="checkbox"/> Certain observations on the international application

Date of submission of the demand 03 December 2003 (03.12.2003)	Date of completion of this report 05 November 2004 (05.11.2004)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

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International application No.

PCT/DE2003/002613

I. Basis of the report

1. With regard to the elements of the international application:*

- ☐ the international application as originally filed
- ☒ the description:
 pages 1-13, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☒ the claims:
 pages _____, as originally filed
 pages _____, as amended (together with any statement under Article 19
 pages _____, filed with the demand
 pages 1-11, filed with the letter of 23 April 2004 (23.04.2004)
- ☒ the drawings:
 pages 1/5-5/5, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☐ the sequence listing part of the description:
 pages _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language _____ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/fig _____

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

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V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement			
Novelty (N)	Claims	8-10	YES
	Claims	1-7, 11	NO
Inventive step (IS)	Claims		YES
	Claims	1-11	NO
Industrial applicability (IA)	Claims	1-11	YES
	Claims		NO

2. Citations and explanations

1. This report makes reference to the following documents:

D1: WO 02/056457

D2: US 2927321 A

D3: US 2812427 A

D4: US 2812428 A

D2-D4 are not cited in the international search report.

2. The present application fails to meet the requirements of PCT Article 33(2) because the subject matter of claim 1 is not novel.

D1 describes an energy self-sufficient transponder (see D1, page 10, lines 23-25; the transmission energy is provided by the interrogating signal) having a converter for converting ambient energy into an alternating quantity and into energy for modulation (D1, page 12, lines 25-28; D1, figures 2, 28) and a reflector that can be modulated via the alternating quantity (D1, page 10, lines 8-22; D1, figures 1, 2, 10, 14).

Thus the device of D1 matches that of claim 1.

The same objection applies analogously to the method according to claim 11.

3. The additional features of dependent claims 2 to 7 do not go beyond the disclosure of D1 and are also not novel (PCT Article 33(2)).

With regard to

- a. claims 2-4, the device according to D1 is a backscatter transponder with a modulated reflector antenna (see D1, page 10, lines 8-22 and D1, figures 1, 2, 10); and
- b. claims 5-7, the microphone described in D1, page 12, lines 25-28, can be used for picking up a measured variable.
4. Claims 8 to 10 relate only to different processing of a measured variable for generating different alternating quantities, which can, however, readily be transmitted separately in a known way with a transponder according to D1. These claims are therefore not inventive (PCT Article 33(3)).
5. Passive transponders, which also do not need an additional energy source for the modulation of the impedance of a reflector, are also known from D2 to D4 (see D2, column 4, line 35 to column 6, line 14; D2, figure 1; D3, column 5, lines 3-27; D3, column 7, line 31 to column 8, line 33; D3, figures 4, 5 and 9-11; D4, column 1, line 62 to column 3, line 6; D4, column 5, lines 19-40; and D4, figures 1 and 4).

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Claims 1 to 7 and 11 are therefore also not novel
over this prior art (PCT Article 33(2)).